

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/549,860  
First Named Inventor: Nigel P. Smith  
Filed: July 13, 2006  
Title: Overlay Metrology Mark  
Art Unit: 2811 Examiner: Jesse Y. Miyoshi  
Atty Docket: NAN155 (8027) Confirmation No.: 7177

Saratoga, California  
December 21, 2009

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Dear Sir:

This Response to Office Action is responsive to the August 24, 2009, Office Action, which has a statutorily shortened period for response that ends November 24, 2009.

Submitted herewith is a one month Petition for Extension of Time giving Applicant until December 24, 2009, to respond. The Commissioner is hereby authorized by the undersigned to debit Deposit Account 50-2263 for any underpayment or any additional necessary fees. Please enter the following amendments before taking action on the merits of the above-referenced application.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Amendments to the Drawings** begin on page 10 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.

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